

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:19-CV- 00071-BO

MICHAEL RENEE ARTIS,

Plaintiff,

v.

KILOLO KIJAKAZI

Acting Commissioner of Social Security

Defendant.

ORDER APPROVING 406(b) FEES

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), seeking an attorney's fee from past due benefits, \$102,969 payable to Plaintiff and his family. The fee requested is \$17,630.91. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant, 42 U.S.C. §406(b). In this case, the Commissioner withheld 25 percent of past due benefits. Plaintiff's counsel's request therefore represents approval of attorney fees of \$17,630.91 of total retroactive benefits, after refund of an EAJA payment of \$5,125.50 for child support.

Under Gisbrecht v. Barnhart, 535 U.S. 789, 122 S. Ct. 1817 (2002), it is the duty of the Court to determine a reasonable fee.

The Court, in Culbertson v. Berryhill, 586 U.S. 304, 139 S. Ct. 517(2019), has endorsed the use of a contingency contract between the parties to allow up to a 25% fee of aggregate benefits for representation in Federal Court, providing that such a fee is reasonable.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of 17,000.00.

This the 7 day of September, 2021.



TERRENCE W. BOYLE
United States District Judge